IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 8038 of 2005

Between:

Mohd. Mashiuddin Khan, S/o.Late Jaheeruddin Khan,
R/o.H.NO.17-3-516/24, Showkathgunj Devdi,
Yakutpura, Hyderabad.

..... PETITIONER

AND

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1 The Station House officer, rain Bazar, P.S., Meerchowk,

Hyderabad.
2 Sri M.Raj Kumar @ Ali Abbas, S/o.Narsing Rao,
R/o.17-4-211/B, IInd Floor, Yakutpura, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring the FIR No.205/ 2004 on the file of 1st Respondent herein, as illegal, null and void.

Counsel for the Petitioner: MR.K.DURGA PRASAD

Counsel for the Respondent No.1: GP FOR HOME

The Court at the admission stage made the following :

ORDER:

It is submitted that the petitioner is doing finance business at Yakutpura, Hyderabad

for the last several years with valid licence. It is stated that in that business the petitioner is not collecting any interest for the loan amount from the members, but he is collecting only service charges from them. The second respondent herein took a loan of Rs.1400/- in the month of April 2004 and executed necessary documents for obtaining loan amount. When the petitioner demanded for repayment of the loan amount, the second respondent requested time for clearing the same. Thereafter the second respondent failed to repay the loan amount and filed a false complaint on 8-12-2004 against the petitioner and 2 others under Sections 448, 342 & 506 IPC read with Section 34 IPC. The said complaint was registered as F.I.R.No.205 of 2004. The main grievance of the petitioner is that after registration of FIR the police are harassing him every day and calling him to the police station.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

The learned Government Pleader on instructions submits that after investigation into the matter a charge sheet was filed on 19.3.2005 in C.C.No.298 of 2005 on the file of XVI Metropolitan Magistrate, Hyderabad and that the trial of the above CC was commenced. In view of the same, the petitioner, if aggrieved, shall appear before the court below and can seek appropriate orders in the C.C. Since a criminal case was filed and trial was started, I am unable to consider the prayer in the writ petition.

Accordingly, the Writ Petition is dismissed. No costs.

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Elipe Dharma Rao, J.

19th April, 2005

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To

1 The Station House officer, rain Bazar, P.S., Meerchowk,

Hyderabad.

2 Sri M.Raj Kumar @ Ali Abban, S/o.Narsing Rao,
R/o.17-4-211/B, IInd Floor, Yakutpura, Hyderabad.

3 Two CCs to G.P. for Home, High Court Buildings, Hyderabad.

4 2 CD copies.